IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1910 of 2004

NATIONAL INSURANCE CO LTD.
V/S
GOVIND LAL & ORS

Mr. SANJEEV JOHARI, for the appellant / petitioner

Mr. S SARUPARIA for Mr.MANISH PITALIYA, for the respondent

Date of Order : 2.3.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

It is contended by learned counsel for the appellant that the appellant was granted permission under Section 170 of the Motor Vehciles Act, and on that basis, it is contended that the learned Tribunal was in error in finding the accident to be out come of negligence of the truck driver, rather from the material on record, it is established that it was the scooter driver, who was also contributory in bringing about the accident.

It will suffice to say that the deceased was a pillion rider, and therefore, for the sake of argument, even if it were to be assumed that the accident was out come of negligence of the scooter driver, still it cannot be said that the deceased was in any manner responsible for bringing about the accident, therefore, this argument does not hold good. No other submission was made.

In that view of the matter, this appeal has no force, and is dismissed summarily.

(N P GUPTA),J.

/tarun/